

AMENDED IN SENATE APRIL 12, 2004

**SENATE BILL**

**No. 1176**

**Introduced by Senator Dunn**

February 5, 2004

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~~An act to add Section 16720.1 to the Business and Professions Code, relating to restraints on competition.~~ *An act to amend Section 18420 of the Health and Safety Code, relating to mobilehome parks.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1176, as amended, Dunn. ~~Antitrust violations—Mobilehome parks.~~

*(1) The Mobilehome Parks Act requires certain local enforcement agencies to enter and inspect all mobilehome parks once every 7 years, as specified. The act requires the local enforcement agency to issue a notice to correct the violation of the act. For violations other than imminent threats to health and safety, the act requires the notice to allow 90 days for correcting the alleged violation and authorizes extensions for a reasonable time period for specified reasons.*

*This bill would require the notice to instead allow 60 days for correcting the alleged violation and would authorize an extension of 30 days or an additional reasonable time period after the 60 days. By increasing the duties of local officials, this bill would impose a state-mandated local program.*

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000*

statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law defines a trust as a combination of capital, skill, or acts of 2 or more persons to restrain competition for specified purposes. Under existing law, the Attorney General or a district attorney is required to initiate a civil or criminal proceeding for antitrust violations.~~

~~This bill would change the definition of a trust to include an act by one or more persons to monopolize or to attempt or to conspire to monopolize, trade or commence.~~

~~Because the bill would expand the acts subject to criminal prosecution as crimes, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. — Section 16720.1 is added to the Business and~~  
2 *SECTION 1. Section 18420 of the Health and Safety Code is*  
3 *amended to read:*

4 18420. (a) (1) If, upon inspection, the enforcement agency  
5 determines that a mobilehome park is in violation of any provision  
6 of this part, or any rule or regulation adopted pursuant thereto, the  
7 enforcement agency shall promptly, but not later than 10 days,  
8 excluding Saturday, Sunday, and holidays, after the enforcement  
9 agency completes the inspection and determines that the alleged  
10 violation exists, issue a notice to correct the violation to the owner  
11 or operator of the mobilehome park and to the responsible person,  
12 as defined in Section 18603.

13 (2) In the event of a violation that constitutes an imminent  
14 threat to health and safety, the notice of violation shall be issued

1 immediately and served on the owner or operator of the  
2 mobilehome park and to the responsible person, as defined in  
3 Section 18603.

4 (3) The owner or operator of the mobilehome park shall be  
5 responsible for the correction of any violations for which a notice  
6 of violation has been given pursuant to this subdivision.

7 (b) (1) If, upon inspection, the enforcement agency  
8 determines that a manufactured home, mobilehome, an accessory  
9 building or structure, or lot is in violation of any provision of  
10 Chapter 4 (commencing with Section 18500), Chapter 5  
11 (commencing with Section 18601), Chapter 6 (commencing with  
12 Section 18690), or any rule or regulation adopted pursuant thereto,  
13 the enforcement agency shall promptly, but not later than 10 days,  
14 excluding Saturday, Sunday, and holidays, after the enforcement  
15 agency completes the inspection and determines that the alleged  
16 violation exists, issue a notice to correct the violation to the  
17 registered owner of the manufactured home or mobilehome, with  
18 a copy to the occupant thereof, if different from the registered  
19 owner.

20 (2) In the event a violation is discovered that constitutes an  
21 imminent hazard representing an immediate risk to life, health,  
22 and safety and requiring immediate correction, the notice of  
23 violation shall be issued immediately and served upon the  
24 occupant, with a copy mailed to the registered owner of the  
25 manufactured home or mobilehome, if different from the  
26 occupant, to the owner or operator of the mobilehome park, and  
27 to the responsible person, as defined in Section 18603.

28 (3) The registered owner of the manufactured home or  
29 mobilehome shall be responsible for the correction of any  
30 violations for which a notice of violation has been given pursuant  
31 to this subdivision.

32 (4) The enforcement agency may issue a notice of violation in  
33 accordance with this chapter to the owner of a recreational vehicle,  
34 or of factory-built housing, which occupies a lot within a  
35 mobilehome park.

36 (c) (1) Service of the notice of violation shall be effected either  
37 personally or by first-class mail. Each notice of violation shall be  
38 in writing and shall describe with particularity the nature of the  
39 violation in as clear language as the technicality of the violation  
40 will allow the average layperson to understand what is being cited,

1 including a reference to the statutory provisions or regulation  
2 alleged to have been violated, as well as any penalty provided by  
3 law for failure to make timely correction.

4 (2) The department shall develop a list of local agencies that  
5 have home rehabilitation or repair programs for which registered  
6 owners or occupants of manufactured homes and mobilehomes  
7 residing in mobilehome parks may be eligible. The list shall be  
8 provided to registered owners or occupants who receive notices of  
9 violation and who reside in those jurisdictions that have  
10 rehabilitation or repair programs for which they may be eligible.

11 (3) For violations other than imminent threats to health and  
12 safety as provided in paragraph (2) of subdivision (a) and  
13 paragraph (2) of subdivision (b), the notice of violation shall allow  
14 ~~90-60~~ days from the postmarked date of the notice or date of  
15 personal delivery for the elimination of the condition constituting  
16 the alleged violation.

17 (4) If after the reinspection of a violation described in  
18 paragraph (3) of this subdivision, the enforcement agency  
19 determines that there is a valid reason why a violation has not been  
20 corrected, including, but not limited to, weather conditions,  
21 illness, availability of repair persons, or availability of financial  
22 resources, the enforcement agency may extend the time for  
23 correction, at its discretion, for ~~a-30 days or an additional~~  
24 reasonable period of time after the ~~90-day-60-day~~ period.

25 (5) Upon a reinspection after the ~~90-day-60-day~~ period of a  
26 violation described in paragraph (3) of this subdivision, if a second  
27 notice to correct a violation that is the responsibility of the  
28 registered owner of the manufactured home or mobilehome  
29 pursuant to paragraph (1) of subdivision (b) is issued to the  
30 registered owner of a manufactured home or mobilehome, with a  
31 copy to the occupant thereof, if different from the registered  
32 owner, a copy of the notice shall also be provided to the owner or  
33 operator of the mobilehome park, and to the responsible person,  
34 as defined in Section 18603. Upon a reinspection after the ~~90-day~~  
35 ~~60-day~~ period of a violation described in paragraph (3) of this  
36 subdivision, if a second notice to correct a mobilehome park  
37 violation pursuant to paragraph (1) of subdivision (a) is issued to  
38 the owner or operator of the mobilehome park and to the  
39 responsible person, as defined in Section 18603, the enforcement  
40 agency shall post a copy of the violation in a conspicuous place in

the mobilehome park common area, and the posted notice shall only be removed by the enforcement agency when the violation is corrected.

(6) All violations described in paragraph (2) of subdivision (a) and paragraph (2) of subdivision (b) shall be corrected within a reasonable time as determined by the enforcement agency. Notices of those violations shall state the time determined by the enforcement agency within which corrections must be made.

(d) Notwithstanding any other provision of law, the enforcement agency may, at its sole discretion, determine not to issue a notice of violation pursuant to this chapter if the condition which violates this part or the regulations adopted pursuant thereto does not constitute an imminent hazard representing an immediate risk to life, health, and safety and requiring immediate correction. If the enforcement agency determines, pursuant to this subdivision, not to issue a notice of violation, the enforcement agency shall include in its inspection report a description of the condition which violates this part and its determination not to issue a notice of violation.

*SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.*

~~Professions Code, to read:~~

~~16720.1. A trust shall also include an act by one or more persons to monopolize, or to attempt to monopolize or to combine or conspire with another person or persons to monopolize, trade or commerce.~~

~~SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within~~

- 1 ~~the meaning of Section 6 of Article XIII B of the California~~
- 2 ~~Constitution.~~

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